IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION(STAMP)NO.15013/06

Ashok Jagannath Phatak & Anr. ...Appellants.

V/s.

The State of Maharashtra & Ors. ...Respondents.

Shri.M. Jadhav a/w Lukcyraj Indorkar i/b Ms.Shaunak Satpute & Co. for the appellants.

Shri.D.P. Adsule AGP for respondents.

CORAM : D.G.KARNIK, J.

DATED : 22/08/2006

P.C.:-

1. Heard learned counsel for the parties.

2. This civil revision application is directed against the order dated 14th November, 2005 passed by the learned Special Land Acquisition Officer rejecting appellant's application for making reference under 18 of Land Acquisition Act. Admittedly, the application for making reference was filed after expiry of the period specified in Section 18 of Land Acquisition Act.

3. Learned counsel for the appellants submitted that the delay should have been condoned and reference

should have been made. It is a settled principle as laid down by the Supreme Court in the case of **State of Karnataka V/s. Laxuman reported in (2005) 8 SCC 709 and in the case of Mahadeo Bajirao Patil V/s.State of Maharashtra and others reported in (2005)7 SCC 440**, that section 5 of the Limitation Act does not apply to the application to be made under Section 18 of the Land Acquisition Act. Under the circumstances, the Land Acquisition Officer had no power to condone the delay.

4. There is no merit in the civil revision application which is hereby dismissed. This order will not prejudice the right, if any, of the appellants under Section 28 A of the Land Acquisition Act.

D.G.KARNIK, J.